IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 11TH JANUARY 2007 / 21ST PAUSHA 1928

MACA.No. 662 of 2005(C)

OPMV.621/96 MOTOR ACCIDENT CLAIMS TRIBUNAL, KOTTAYAM.

APPELLANT/PETITIONER:

SASI. K.T., S/O. THANKAPPAN,
KUMPALAPPALLIL, PERUMBAIKADU VILLAGE,
MALLOOSSERY P.O., KOTTAYAM.

BY ADV. SRI.MATHEW JOHN (K)
SRI. SUJESH MENON.

RESPONDENTS/ RESPONDENTS :
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1. PETER J., VALAVI & VALAVI CO.,
T.B. ROAD, KOTTAYAM.

2. WILSON GEORGE, NIRAPPEL HOUSE,
COLLEGE ROAD, THODUPUZHA.

3. THE NEW INDIA ASSURANCE CO.LTD.,
CENTRAL JN., KOTTAYAM.

R3 BY ADV. SRI.N.S.MOHAMMED USMAN

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD ON 11/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.S. RADHAKRISHNAN & M.N. KRISHNAN, JJ.

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M.A.C.A. NO. 662 OF 2005

and

C.M.Appln. 950 of 2005

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Dated this the 11th day of January, 2007.

J U D G M E N T

Krishnan,J.

C.M.Appln. 950/05 is filed for condoning the delay of 1 year and 230 days in filing the appeal. The appellant herein had sustained contused abrasion and the Tribunal has awarded him a compensation of Rs.3,500/-.

2. The appellant would submit that the case was disposed of on 7/4/03 and copy application was filed on 23/2/05, i.e., after 22 months. It is his case that his advocate promised to inform him about the award as soon as it is passed. He puts the blame on the lawyer and does not make any enquiry. His attitude is that he has no responsibility at all. This is a case where materials show that he was grossly negligent. In such cases the delay is not to be condoned. His contention that the advocate had committed the

mistake is not acceptable. Therefore, the grounds are not acceptable and the petition to condone the delay lacks merits and dismissed. As the delay petition is dismissed, consequently the appeal also would stand dismissed.

K.S. RADHAKRISHNAN, JUDGE.

M.N. KRISHNAN, JUDGE.

ul/-